

Effective 7/1/2020

78B-7-113 Statewide domestic violence network -- Peace officers' duties -- Prevention of abuse in absence of order -- Limitation of liability.

- (1)
 - (a)
 - (i) Law enforcement units, the Department of Public Safety, and the Administrative Office of the Courts shall utilize statewide procedures to ensure that a peace officer at the scene of an alleged violation of a civil protective order or criminal protective order has immediate access to information necessary to verify the existence and terms of that order, and other orders of the court required to be made available on the network under this chapter, Title 77, Chapter 36, Cohabitant Abuse Procedures Act, or Section 77-38-3.
 - (ii) The peace officers described in Subsection (1)(a)(i) shall use every reasonable means to enforce the court's order, in accordance with the requirements and procedures of this chapter, Title 77, Chapter 36, Cohabitant Abuse Procedures Act, and Section 77-38-3.
 - (b) The Administrative Office of the Courts, in cooperation with the Department of Public Safety and the Criminal Investigations and Technical Services Division, established in Section 53-10-103, shall provide for a single, statewide network containing:
 - (i) all civil protective orders and criminal protective orders issued by a court of this state; and
 - (ii) all other court orders or reports of court action that are required to be available on the network under this chapter, Title 77, Chapter 36, Cohabitant Abuse Procedures Act, and Section 77-38-3.
 - (c) The entities described in Subsection (1)(b) may utilize the same mechanism as the statewide warrant system, described in Section 53-10-208.
 - (d)
 - (i) Except as provided in Subsection (1)(d)(ii), the Administrative Office of the Courts shall make all orders and reports required to be available on the network available within 24 hours after court action.
 - (ii) If the court that issued an order that is required to be available under Subsection (1)(d)(i) is not part of the state court computer system, the Administrative Office of the Courts shall make the order and report available on the network within 72 hours after court action.
 - (e) The Administrative Office of the Courts and the Department of Public Safety shall make the information contained in the network available to a court, law enforcement officer, or agency upon request.
- (2) When any peace officer has reason to believe a cohabitant or child of a cohabitant is being abused, or that there is a substantial likelihood of immediate danger of abuse, although no civil or criminal protective order has been issued, that officer shall use all reasonable means to prevent the abuse, including:
 - (a) remaining on the scene as long as it reasonably appears there would otherwise be danger of abuse;
 - (b) making arrangements for the victim to obtain emergency medical treatment;
 - (c) making arrangements for the victim to obtain emergency housing or shelter care;
 - (d) explaining to the victim the victim's rights in these matters;
 - (e) asking the victim to sign a written statement describing the incident of abuse; or
 - (f) arresting and taking into physical custody the abuser in accordance with the provisions of Title 77, Chapter 36, Cohabitant Abuse Procedures Act.
- (3) No person or institution may be held criminally or civilly liable for the performance of, or failure to perform, any duty established by this chapter, so long as that person acted in good faith and without malice.

Amended by Chapter 142, 2020 General Session